

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
JULY 24, 2003  
COUNCIL CHAMBERS  
6:30 P.M.

**CALL TO ORDER**

Mayor Kearsley called the meeting to order at 6:33 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House, Jeff Jennings and Andrew Stern

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Ed Knight, Planning Manager; Scott Albright, Senior Planner; and Lisa Tent, Recording Secretary

**FLAG SALUTE**

Stan Byrnes led the Pledge of Allegiance.

**CLOSED SESSION REPORT**

**Public Comment on Closed Session Items**

None.

City Attorney Hogin reported that tonight's adjourned special meeting reconvened at 5:40 p.m., at which time she advised the Council of information which had emerged after the posting of the agenda, which affected the price or terms of payment for the potential purchase of the Chili Cook-Off site. She stated the need for the Council to give direction prior to the next Council meeting, and on that basis an item was added to the closed session agenda appointing the City Attorney as real estate negotiator, negotiating with Richard Volpert, on behalf of the Malibu Bay Company (MBC) property owner. She reported the Council recessed to closed session, discussed both items listed on the adjourned special meeting agenda, but took no reportable actions.

**APPROVAL OF AGENDA**

MOTION Councilmember House moved and Councilmember Stern seconded a motion to approve the agenda. The motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

Recording Secretary Tent reported that this meeting was a continued Special Meeting from Tuesday, July 22, 2003.

**ITEM 1A. PUBLIC COMMENTS**

Marcia Hanscom, Wetlands Action Network and the Sierra Club, informed the Council of a violation which exists on the MBC property owner's golf course. She stated the

property owner, who has no permit to operate a golf course, is seeking an after-the-fact permit from the Coastal Commission. She indicated concern with herbicides, pesticides and fresh water irrigation from the golf course going into the Malibu Lagoon, and urged the Council to look into the situation. She also stated her concern with the rezoning of the property, suggesting the rezoning happened behind closed doors, between the Council and the Coastal Commission.

Bob Purvey stated his concerns with run off from the golf course and traffic going slow in the fast lane of traffic on Pacific Coast Highway (PCH).

#### ITEM 1.B. COUNCIL COMMENTS

Councilmember Barovsky responded to the comments of Marcia Hanscom stating the City Council did not meet with the Coastal Commission on the referred to matter. She responded to Bob Purvey stating PCH is run by CALTRANS, and she is quite sure fines are not given for going the speed limit.

#### ITEM 2 PUBLIC HEARING

A. Malibu Bay Company Development Agreement– Applicant: Malibu Bay Company; Owner: Malibu Bay Company; Location: Civic Center, Trancas Canyon, and Point Dume areas

Staff recommendation: If the City Council chooses to approve the Development Agreement and all associated items, it should:

- 1) Adopt Resolution No. 03-31 certifying the Environmental Impact Report;
- 2) Adopt Resolution No. 03-32 approving applicable General Plan Amendments, as related to the proposed Development Agreement;
- 3) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 249 amending Malibu Municipal Code (MMC) Chapter 17.42, creating West Zuma Residential Overlay District and Trancas Canyon Residential Overlay District;
- 4) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 250 adding MMC Chapter 17.43, creating the Town Center Overlay District and West Zuma Commercial Overlay District;
- 5) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 251 approving certain amendments to the Zoning Map, as related to the proposed Development Agreement;
- 6) Adopt Resolution No. 03-33 approving the remaining miscellaneous entitlements as related to the proposed Development Agreement;
- 7) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance 252 approving the proposed Malibu Bay Company Development Agreement;
- 8) Adopt Resolution No. 03-43 calling and giving notice of the holding of a Special Municipal Election to be held on Tuesday, November 4, 2003, for the submission to the qualified voters a proposed ordinance.
- 9) Adopt Resolution No. 03-44 requesting the Board of Supervisors of the County of Los Angeles to consolidate a Special Municipal Election to be held on November

- 4, 2003, with the Statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code;
- 10) Adopt Resolution No. 03-45 providing for the filing of rebuttal arguments for city measures submitted at municipal elections;
  - 11) adopt Resolution No. 03-46, setting priorities for filing written arguments regarding a city measure and directing the City Attorney to prepare an impartial analysis;
  - 12) direct Staff to schedule second reading and adoption of Ordinance Nos. 249, 250, 251, and 252 on July 28, 2003.

City Attorney Hogin stated that despite committed and good faith efforts by both parties, they have been unable to come to terms that are acceptable and ones she could recommend to the Council. She stated she would advise the Council to take no action and continue the item to July 28, 2003.

ADJOURN At 6:45 p.m., Councilmember Stern moved and Councilmember House seconded a motion to continue the item to the meeting of Monday, July 28, 2003 and to adjourn. The motion carried unanimously.

Approved and adopted by the City Council of the City of Malibu  
on October 13, 2003.

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KENNETH KEARSLEY, Mayor

ATTEST:

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LISA POPE, City Clerk  
(seal)